

REMARKS

These remarks are set forth in response to the Office Action. As this response has been timely filed within the three-month statutory period, neither an extension of time nor a fee is required. Presently, claims 1 through 9 and 15 through 23 are pending in the Patent Application as claims 10 through 14 have been withdrawn from consideration in the Response to Election/Restriction filed 1/4/2005. In paragraph 4 of the Office Action, the Examiner has objected to the form of the Specification. Also, in paragraph 5 of the Office Action, the Examiner has objected to the drawings as failing to show the details of the invention. Finally, in paragraph 6, the Examiner has objected to the form of claim 20 as a claim which includes multiple dependencies.

In response, the Applicants have added a summary paragraph to the Specification which discloses the nature and gist of the invention or the inventive concept as requested by the Examiner. Support for the added paragraph can be found in the Abstract of the Disclosure. Accordingly, no new matter has been added. Likewise, the Applicants have added a new Figure reflecting the methodology of claim 15 of the Patent Application. As the language of claim 15 supports the newly added Figure, by virtue of the newly added Figure, no new matter has been added. Finally, the Applicants have amended claim 20 to result in a single dependency upon claim 19.

Notably, in paragraphs 7 and 8 of the Office Action, claims 9, 19 and 23 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Moreover, in paragraphs 9 and 10, claims 1, 4, 9, 15, 19 and 23 have been rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,983,227 to Nazem et al. (Nazem). Further, in

paragraphs 11 and 12 of the Office Action, claims 2, 9, 16, 19 and 23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nazem. Also, in paragraph 13, claims 3, 5 and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nazem in view of Java Server Pages found at <http://java.sun.com/products/jsp/> and archived on 11/9/2000 (Java Server Pages). Finally, in paragraph 14, claims 6 and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nazem in view of the alleged admitted prior art in the Patent Application.

Notably, in paragraphs 15 through 17, the Examiner has determined that each of claims 7, 8, 9, 17, 18, 19 and 23 are allowable but for their dependence upon a rejected base claim and but for the Examiner's rejection under 35 U.S.C. § 101. Notwithstanding, the Applicants observe that the Examiner had previously rejected claim 9 in paragraphs 10, 12, 14. Also, the Examiner had previously rejected claims 19 and 23 in paragraphs 10 and 12. Accordingly, the Applicants proceed herein under the assumption that claims 7, 8, 17 and 18 are allowable while claims 9, 19 and 23 are not allowable in the view of the Examiner's previous rejections. Notwithstanding, the Applicants respectfully request clarification from the Examiner in regard to the identity of the allowable claims.

Addressing initially the rejections under 35 U.S.C. § 101, the Examiner avers that the specification of computer code in a claim renders the claim non-statutory in nature because the computer code can be a signal carried in a carrier. In response, the Applicants have reviewed the Manual of Patent Examining Procedure (MPEP)--particularly Chapter 2100, section 2106, and have been unable to locate any mention of a "signal in a carrier" test for the utility requirement of 35 U.S.C. § 101. Yet, based upon the plain language of section 2106 of the MPEP, the

Applicants note that claims 9, 19 and 23 meet the utility requirement of 35 U.S.C. § 101. In fact, a signal in a carrier indeed is a tangible embodiment of the claim as it is well-known in the art that computer program code can be encapsulated in data packets and transmitted between computing devices in a network. Accordingly, the Applicants request the withdrawal of the rejections of claims 5 through 11 under 35 U.S.C. § 101.

Turning now to the rejections on the art, Nazem relates to a custom page server having user preferences which are organized into templates stored in compact data structures. Live data can be used to fill the templates stored local to the page server which handles user request for custom pages. One process is executed on the page server for every request. The process is provided a user template for the user making the request, where the user template is either generated from user preferences or retrieved from a cache of recently used user templates. Each user process is provided access to a large region of shared memory which contains all of the live data needed to fill any user template.

By comparison, in the Applicants' invention a display infrastructure can pass a page identification request to a resolution component in response to the page request from the server. The display infrastructure can receive a template page identifier from the resolution component, and the display infrastructure can obtain the template page from a set of template pages corresponding to the received template page identifier. Subsequently, the display infrastructure can generate an adapted page for return to the server based on the obtained template page. Finally, the resolution component can access the set of template page identifiers to retrieve one or more members of the set having matching determinable template attribute values associated

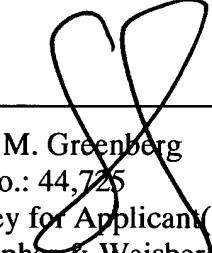
with the page request and can match default values where template page attribute values are not determinable for the page request.

Thus, while Nazem concerns itself with the population of data in a template where the template is defined for different users, the Applicants' invention relates to the selection of a template based upon a template identifier. In fact, Nazem concedes in column 2, lines 2 and 3 that a template "is either generated from user preferences or retrieved from a cache of recently used user templates." Accordingly, Nazem is inapplicable under the present circumstances and cannot satisfy the basic requirements of the MPEP section 2131 which states, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628 (Fed. Cir. 1987).

Accordingly, claims 1 through 9 and 15 through 23 distinguish over the cited art and stand patentable and ready for an indication of allowance. As such, the Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. §§ 102(b) and 103(a) based upon the foregoing remarks. This entire application is now believed to be in condition for allowance. Consequently, such action is respectfully requested. The Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

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Respectfully submitted,



Steven M. Greenberg
Reg. No.: 44,725
Attorney for Applicant(s)
Christopher & Weisberg, P.A.
200 East Las Olas Boulevard, Suite 2040
Fort Lauderdale, Florida 33301
Customer No. 46320
Tel: (954) 828-1488
Fax: (954) 828-9122

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